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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,551	03/15/2004	Kirk P. Bumgarner	SP00-038A	9834
22928	7590	03/20/2006	EXAMINER	
CORNING INCORPORATED			LANGDON, EVAN H	
SP-TI-3-1				
CORNING, NY 14831			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,551	<b>Applicant(s)</b> BUMGARNER ET AL.	
	<b>Examiner</b> Evan H. Langdon	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 38-49, 52-55, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 52-55, 57, 58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon et al (US 6,027,062) in view of Raasch (US 4,891,933).

Bacon discloses an apparatus and method of treading a moving length of fiber through a component in a fiber draw, fiber winding or fiber testing process, comprising:

activating an aspirator 82 to obtain the fiber at a first location and moving the fiber via a positioning device 90, 92 in at least two dimensions to move the fiber to a second location to thread the fiber through a component in the fiber draw process.

Bacon fails to teach the aspirator being repositionable.

Raasch teaches activating an aspirator 4, in response to a spool being full or a break in the fiber, to obtain the fiber at a first location and moving the fiber to a second location to thread the fiber through a component in the fiber draw process.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the positioning device of Bacon to include an aspirator to hold the fiber as suggested by Raasch, to hold the fiber while transferring and threading the fiber without causing damage to the fiber.

In regards to claim 39, Bacon as modified by Raasch teaches orienting at least a first 21, second 22, and third pulley 23 so that, when the aspirator (positioning device) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides of the desired fiber (Fig. 3), and the method further comprises moving the second pulley 22 across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 40 and 41, Bacon as modified by Raasch teaches the aspirator (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

In regards to claim 42, the second location is near the spool 68.

In regards to claims 43-45, Bacon as modified by Raasch teaches engaging the fiber at a point between the aspirator and the source of fiber, and winding the engaged fiber onto said spool and is engaged by a snagger tooth located on the spool (Fig. 15C).

In regards to claim 46-47, Bacon as modified by Raasch teaches moving the fiber into contact with a capstan 11.

In regards to claim 48, Bacon as modified by Raasch teaches orienting at least a first 21, second 22, and third pulley 23 so that, when the aspirator (positioning device) moves the fiber to the second location, the pulleys are disposed along the length of the fiber and on alternating sides of the desired fiber (Fig. 3), and the method further comprises moving the second pulley 22

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across the path of the fiber to retain the fiber in contact with the first, second, and third pulleys, thereby causing the fiber to move in a serpentine path (Fig. 4).

In regards to claims 49, Bacon as modified by Raasch teaches the aspirator (positioning device) is moved to guide the fiber onto at least one guide pulley 42 by the aspirator (positioning device) guiding the fiber between or against a pair of surfaces 41 which are disposed on each side of the guide pulley, the surfaces sloping toward the guide pulley to thereby guide the fiber onto the guide pulley.

### ***Response to Arguments***

Applicant's arguments filed 04 January 2006 have been fully considered but they are not persuasive. In response to applicant's arguments in the last full paragraph on page 8 of the response, the aspirator 4 of Raasch teaches hold the fiber while transferring and threading the fiber without causing damage to the fiber. Further Bacon would be modified to apply the teaching of Raasch to reposition the aspirator 82 to move the fiber to a second location to thread the fiber through a component in the fiber draw process.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bacon discloses an aspirator to obtain the fiber at a first location and then

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relocate moving the fiber via a positioning device. Raasch is relied on to teach positioning fiber by moving the aspirator itself.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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